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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JAN 22 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of  
Phase II E911 Implementation Waivers  
Of Nextel Communications, Inc. and  
Hawaiian Wireless, Inc.

DA 00-2704  
CC Docket No. 94-102

To: The Commission

**REPLY COMMENTS OF ALLCOM, LLC**

AllCom, LLC ("AllCom"), by its attorneys and pursuant to the invitation extended in the *Public Notice* released by the Federal Communications Commission ("FCC" or "Commission") on December 4, 2000,<sup>1</sup> hereby submits its Reply Comments responsive to the initial comments of other parties that responded to the Petition for Waiver of Hawaiian Wireless, Inc. ("HWI") and the Request for Waiver of Nextel Communications, Inc. and Nextel Partners, Inc. (collectively, "Nextel") (the "Requests"). As set forth more fully below, AllCom supports the Nextel Request and asks that whatever relief the FCC extends to Nextel should also be extended to AllCom, and other similarly-situated wireless licensees.<sup>2</sup>

**I. BACKGROUND**

AllCom is an 800 MHz Specialized Mobile Radio ("SMR") licensee. AllCom is currently implementing a digital SMR service in Anchorage and other areas in Alaska, employing iDEN technology, which is manufactured exclusively by Motorola, Inc. ("Motorola"). AllCom, to the best of its knowledge, will be the 4<sup>th</sup> U.S. wireless carrier to employ a digital SMR service using iDEN technology. AllCom expects that it will initiate iDEN services in 2Q01.

<sup>1</sup> *Public Notice* No. DA 00-2704, rel. December 4, 2000.

<sup>2</sup> AllCom takes no position with respect to the HWI Request.

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Nextel's Request seeks a waiver of the requirement that it provide so-called Phase II E911 Automatic Location Information ("ALI") services on October 1, 2001 and asks that: it be permitted to begin E911 implementation on October 1, 2002; and that 95% of its iDEN customer base be converted to handsets supporting E911 technology by December 31, 2005.

## II. DISCUSSION

The record in this proceeding strongly supports the issuance of a waiver to Nextel and similarly situated carriers. For example, Motorola states that its preferred ALI solution, assisted Global Positioning System ("AGPS") technology, will not be available before October 1, 2002. Motorola Comments at 3. Motorola similarly states that interim ALI solutions will not meet the FCC's mandated ALI standard, and that those interim solutions would actually delay introduction of AGPS. *Id.* at 8. AT&T Wireless Services, Inc. ("AT&T") also supports grant of Nextel's Request, noting that Nextel has demonstrated sufficient cause for the issuance of a waiver. AT&T Comments at 4; see also Pacific Wireless Technologies, Inc. ("Pacific") Comments at 3 (claiming FCC should not mandate requirements that exceed technology's pace). Even public safety advocates support the issuance of a waiver. For example, both the National Emergency Number Association ("NENA") and the Association of Public Safety Communications Officials International, Inc. ("APCO") appear to support the Nextel Request, albeit with conditions imposed by the agency.<sup>3</sup>

Only one entity, Grayson Wireless Division of Allen Telecom, Inc. ("Grayson") opposes Nextel's Request. Grayson, a competitor to Motorola, appears to have opposed Nextel's Request for competitive reasons, rather than public interest reasons. Grayson appears disappointed that

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<sup>3</sup> The Commission should not impose conditions on Nextel that are not already contained in Nextel's Request. New conditions would only invite further petitions and requests for clarification.

Nextel did not select Grayson's technology.<sup>4</sup> The Commission should not second-guess Nextel's apparent rejection of Grayson's ALI-solution, which should be presumed rational, and in the best interests of Nextel's customers.<sup>5</sup> While compliance with E911 policies is important, the FCC should not impose its judgment about a carrier's technology choices, which have far-reaching consequences.

Pacific urged that the Commission extend whatever waiver relief it offers to Nextel to Pacific as well. Pacific Comments at 2. AllCom seeks the same relief here. Like Pacific and Nextel, AllCom has tentatively selected Motorola's AGPS technology, and faces precisely the same implementation issues as do Pacific and Nextel.<sup>6</sup> Thus, issuance of a blanket waiver to those iDEN carriers that select AGPS technology is appropriate. The Commission has previously issued similar blanket waivers when it is clear that an industry segment is equally affected by a regulatory deadline or requirement. *Requests by Interactive Video and Data Service Auction Winners to Waive the January 18, 1998, and February 28, 1998, Construction Deadlines*, 13 FCC Rcd 756 (1998) (extending waiver to all IVDS licensees).

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<sup>4</sup> Grayson also opposed the HWI Request. It appears that Grayson will oppose any wireless carrier that seeks a waiver of the FCC's ALI requirements, unless that carrier endorses Grayson's technology. This approach will certainly not cause iDEN carriers to change their otherwise rational choices to select Motorola's AGPS technology.

<sup>5</sup> iDEN carriers, like any other for-profit provider of wireless services, have every incentive to implement safety oriented ALI solutions, about which customers will certainly be concerned, as expeditiously as possible.

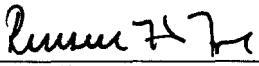
<sup>6</sup> AllCom faces an increased strain on its resources because it is only now implementing its iDEN network. Interim ALI solutions, costly conditions or reporting requirements, etc., will only impede AllCom's introduction of services to the Alaska market - a difficult environment to provide any form of wireless service.

### III. CONCLUSION

Based on the foregoing, AllCom urges the Commission to grant the Nextel Request and provide similar relief to those iDEN carriers that select AGPS technology for their ALI solution.

Respectfully submitted,

AllCom, LLC

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January 22, 2001

## CERTIFICATE OF SERVICE

I, Angela Collins, of Mintz, Levin, Ferris, Glovsky and Popeo, P.C., certify that I have, this 22nd day of January, 2001, caused a copy of the foregoing "Reply Comments" to be served upon the following by prepaid U.S. mail:

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